

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JONATHAN MIODUSZEWSKI,

Plaintiff,
v. Case No. 25-cv-0891-bhl

FRANK BISIGNANO,
Commissioner of Social Security Administration,

Defendant.

**ORDER GRANTING MOTION FOR LEAVE TO PROCEED
WITHOUT PREPAYMENT OF THE FILING FEE**

On June 23, 2025, Plaintiff Jonathan Mioduszewski filed a complaint seeking review of the decision of the Commissioner for Social Security. (ECF No. 1.) That same day, he also filed a motion for leave to proceed without prepaying the filing fee or *in forma pauperis* (IFP) utilizing the Court's local form. (ECF No. 3.) The Court has authority to allow a litigant to proceed IFP if it determines that (1) the litigant is unable to pay the costs of commencing the action and (2) the action is not frivolous, does not fail to state a claim, and is not brought against an immune defendant. *Cf.* 28 U.S.C. § 1915(a)(1), (e)(2).

In his motion, Mioduszewski states his only income is \$292.00 per month in food stamps but notes that income may no longer be available. (ECF No. 3 at 2, 4.) He also states that he has no money in either a checking or savings account and no other financial assets and that he lives with his mother who is his caretaker. (*Id.* at 3–4.) Mioduszewski's only property is a 2007 Ford Focus, valued at \$500.00. (*Id.* at 3.) Based on Mioduszewski's representations, which includes a signed declaration under penalty of perjury, the Court concludes that he would have substantial financial difficulty in paying the filing fee.

This does not end the matter, however. As part of evaluating an IFP request, the Court must also review the complaint for sufficiency. If the complaint fails to state a claim on which relief may be granted, it must be dismissed. *See Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1018 (7th Cir. 2013). Similarly, a frivolous complaint must also be dismissed. 28 U.S.C.

§1915(e)(2)(B)(i). “A frivolous complaint is one in which ‘the petitioner can make no rational argument in law or facts to support his or her claim for relief.’” *Williams v. Faulkner*, 837 F.2d 304, 306 (7th Cir. 1988) (quoting *Jones v. Morris*, 777 F.2d 1277, 1279-80 (7th Cir. 1985)).

Here, Mioduszewski timely invoked this Court’s jurisdiction pursuant to 42 U.S.C. § 405(g). (ECF No. 1.) He argues that the administrative law judge decision denying his claim for Supplemental Security Income and Disability Insurance Benefits is not supported by substantial evidence and is contrary to law. (*Id.* at 1–2.) These arguments are not obviously frivolous and appear to state a potential claim. As a result, the Court will grant Mioduszewski’s request to waive prepayment of the filing fee.

IT IS HEREBY ORDERED that Plaintiff Jonathan Mioduszewski’s motion for leave to proceed without prepaying the filing fee, ECF No. 3, is **GRANTED**.

Dated at Milwaukee, Wisconsin on June 24, 2025.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge